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Attorneys for Defendant
REDBUBBLE INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LTTB LLC, a California limited liability
company,

Plaintiff,

v.

REDBUBBLE INC.,

Defendant.

CASE NO. 3:18-CV-00509-RS

**DECLARATION OF KENNETH B.
WILSON IN SUPPORT OF DEFENDANT
REDBUBBLE INC.'S MOTION FOR
SUMMARY JUDGMENT**

Date: June 13, 2019

Time: 1:30 p.m.

Before: The Honorable Richard Seeborg

I, Kenneth B. Wilson, declare:

1. I am an attorney with the law firm of defendant Coastside Legal, counsel of record for defendant Redbubble Inc. I have personal knowledge of the facts set forth in this Declaration and can

1 testify competently to those facts.

2 2. Attached to this Declaration as Exhibit A is a true and correct copy of pages from the
3 U.S. Patent and Trademark Office website reflecting the product specimen submitted by Elektra
4 Printz Gorski (“Gorski”) in connection with her original October 3, 2011 federal trademark
5 application for “Lettuce Turnip the Beet.” The following is a link to the Trademark Office website
6 docket page:

7 http://tsdr.uspto.gov/#caseNumber=85437835&caseType=SERIAL_NO&searchType=statusSearch .

8 And the following is the Trademark Office link to the October 3, 2011 specimen filing:

9 [http://tsdr.uspto.gov/documentviewer?caseId=sn85437835&docId=SPE20111006072812#docIndex=](http://tsdr.uspto.gov/documentviewer?caseId=sn85437835&docId=SPE20111006072812#docIndex=22&page=1)
10 [22&page=1](http://tsdr.uspto.gov/documentviewer?caseId=sn85437835&docId=SPE20111006072812#docIndex=22&page=1) .

11 3. Attached to this Declaration as Exhibit B is a true and correct copy of pages from the
12 U.S. Patent and Trademark Office website reflecting the Trademark Office’s January 22, 2012 Office
13 Action. The following is a link to those pages from the Trademark Office website:

14 [http://tsdr.uspto.gov/documentviewer?caseId=sn85437835&docId=OOA20120122125934#docIndex](http://tsdr.uspto.gov/documentviewer?caseId=sn85437835&docId=OOA20120122125934#docIndex=21&page=1)
15 [=21&page=1](http://tsdr.uspto.gov/documentviewer?caseId=sn85437835&docId=OOA20120122125934#docIndex=21&page=1) .

16 4. Attached to this Declaration as Exhibit C is a true and correct copy of pages from the
17 U.S Patent and Trademark Office website reflecting Gorski’s July 20, 2012 response to the January
18 22, 2012 Office Action. The following is a link to those pages from the Trademark Office website:

19 [http://tsdr.uspto.gov/documentviewer?caseId=sn85437835&docId=ROA20120720203431#docIndex](http://tsdr.uspto.gov/documentviewer?caseId=sn85437835&docId=ROA20120720203431#docIndex=19&page=1)
20 [=19&page=1](http://tsdr.uspto.gov/documentviewer?caseId=sn85437835&docId=ROA20120720203431#docIndex=19&page=1)

21 5. Attached to this Declaration as Exhibit D is a true and correct copy of selected pages
22 from the Rule 30(b)(6) deposition of LTTB LLC, which was conducted on February 28, 2019.

23 6. Attached to this Declaration as Exhibit E is a true and correct copy of LTTB’s
24 Amended Responses to Redbubble’s First Set of Interrogatories.

25 7. Attached to this Declaration as Exhibit F is a true and correct copy of LTTB’s
26 Responses to Redbubble’s Second Set of Interrogatories.

27 8. Attached to this Declaration as Exhibit G is a true and correct copy of pages from the
28 U.S. Patent and Trademark Office website entitled “‘Ornamental’ Refusal and How to Overcome this

1 Refusal.” The following is a link to those pages from the Trademark Office website:

2 <https://www.uspto.gov/trademark/laws-regulations/ornamental-refusal-and-how-overcome-refusal-0> .

3 9. Attached to this Declaration as Exhibit H is a true and correct copy of Plaintiff LTTB
4 LLC’s Initial Disclosures, which were served on May 3, 2018. LTTB never supplemented these
5 Disclosures.

6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct to the best of my knowledge and information.

8 Executed this 29th day of April, 2019 at Half Moon Bay, California.

9
10 /s/ Kenneth B. Wilson

11 Kenneth B. Wilson
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